



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

5CS-TUB-3

Re: Request for Information Pursuant to Section 104(e) of CERCLA and Section 3007 of RCRA, for Chem Science, Inc. Site in Germantown, Wisconsin, hereinafter referred to as "the Site."

Dear Sir or Madam:

The United States Environmental Protection Agency (U.S. EPA) is currently investigating the source, extent and nature of the release or threatened release of hazardous substances, pollutants or contaminants on or about the Chem Science, Inc. Site in Germantown, Wisconsin (the Site). This investigation requires inquiry into the generation, storage, treatment and disposal of such substances that have been or threaten to be released at the Site. U.S. EPA is also seeking information relating to the ability of persons connected with the Site to pay for or to perform a cleanup of the Site.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. Section 9604(e), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub.L. 99-499, and pursuant to Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6927, you are hereby requested to respond to the Information Requests enclosed. Compliance with the enclosed Information Requests is mandatory. Failure to respond fully and truthfully to each and every Information Request within thirty (30) days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by U.S. EPA pursuant to Section 3008 of RCRA under which U.S. EPA may seek the imposition of penalties of up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance, and/or pursuant to Section 104(e)(5) of CERCLA which, as amended, authorizes the United

States to seek penalties from a Federal court of up to \$25,000 for each day of continued non-compliance. "Non-compliance" is considered by U.S. EPA to be not only failure to respond to the Requests but also failure to respond completely and truthfully to each Request. Please be further advised that providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties of up to ten thousand dollars (\$10,000) or up to five (5) years of imprisonment or both under 18 U.S.C. Section 1001.

U.S. EPA has the authority to use the information requested herein in an administrative, civil or criminal action. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, et seq.

Your response to this Information Request should be mailed to:

Maria Gonzalez
Office of Regional Counsel (5CS-TUB-3)
U.S. Environmental Protection Agency, Region V
230 S. Dearborn Street
Chicago, IL 60604

Due to the legal ramifications of your failure to respond properly, U.S. EPA strongly encourages you to give this matter your immediate attention and to respond to this Information Request within the time specified above. If you have any legal questions relating to this Information Request, please direct such questions to Maria Gonzalez, Assistant Regional Counsel, Office of Regional Counsel at (312) 886-6630. Technical questions should be directed to Leonard Zintak at (312) 886-4246.

Thank you for your cooperation in this matter.

Sincerely,



for Bertram C. Frey
Acting Regional Counsel

Enclosure

CHEM SCIENCE, INC. SITE
FIRST SET OF INFORMATION REQUESTS

Instructions

1. Please provide a separate narrative response to each Question and subpart of a Question set forth in this Information Request.
2. Precede each answer with the number of the Question to which it corresponds.
3. If information or documents not known or unavailable to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to U.S. EPA. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response.
4. For each document produced in response to this Information Request indicate on the document the number of the Question to which it responds.
5. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. 2.203(b). Information covered by such a claim will be disclosed by the U.S. EPA only to the extent, and only by

means of the procedures set forth in 40 C.F.R. Part 2, subpart B. [See 41 Federal Register 36902 et seq. (September 1, 1976); 43 Federal Register 4000 et seq. (September 8, 1978); 50 Federal Register 51654 et seq. (December 18, 1985)]. If no such claim accompanies the information when it is received by the U.S.EPA, it may be made available to the public without further notice to you. You should read carefully the above-cited regulations, together with the standards set forth in Section 104(e)(7) of CERCLA, before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim, as stated in Section 104(e)(7)(ii) of CERCLA.

6. Identify the person(s) answering each Question on behalf of Respondent.
7. For each Question identify all persons consulted in the preparation of the answer.
8. In answering each Question, identify all contributing sources of information.
9. For each Question identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the Question and provide true and accurate copies of all such documents.
10. You must respond to the Information Requests on the basis of all information and documents in your possession, custody or control or in the possession, custody or control of your former or current employees, agents, servants, contractors

or attorneys. Furnish such information as is available to you, regardless of whether or not it is based on personal knowledge, and regardless of source.

11. Your response should be accompanied by a notarized affidavit from a responsible company official or representative stating that a diligent record search has been completed and that there has been a diligent interviewing process with present and former employees who may have knowledge of the operations, hazardous substance use, storage, treatment, disposal or other handling practice at the Site from 1970 until the present. To the extent that any information you provide relating to these Requests is based on your personal knowledge, or the personal knowledge of your employees, agents, or other representatives, this information will be in the form of a notarized affidavit.
12. If any documents requested herein have been transferred voluntarily or involuntarily to others or have been otherwise disposed of, identify each such document, identify the person to whom it was transferred, describe the circumstances surrounding the transfer or other disposition, and state the date or approximate date of such transfer or other disposition.
13. U.S. EPA has the authority to use the information requested herein in an administrative, civil or criminal action.

Definitions

For the purpose of the Instructions and Requests for Information set forth herein, the following definitions shall apply:

1. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, predecessors, partners, successors, assigns, subsidiaries and agents.
2. The term "person" as used herein includes, in the plural as well as the singular, any natural person, firm, contractor, unincorporated association, partnership, corporation, association, partnership consortium joint venture, commercial entity, trust or governmental entity, unless the context indicates otherwise.
3. The terms "the Site" or "the Facility" shall mean and include the property on or about W. 194 N. 11905 Kleinmann Drive in Germantown, Wisconsin. It is known as the Chem Science, Inc. Site.
4. The term "hazardous substances" shall have the same definition as that contained in Section 101(14) of CERCLA, including mixtures of such substances with other substances, including petroleum products.
5. The term "pollutant or contaminant" shall have the same definition as that contained in Section 101(33) of CERCLA,

and includes any mixtures of such pollutants and contaminants with any other substances, including petroleum products.

6. The term "hazardous waste" shall have the same definition as that contained in Section 1004(5) of RCRA.
7. The term "solid waste" shall have the same definition as that contained Section 1004(27) of RCRA.
8. The term "materials" shall mean all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site, including but not limited to all hazardous substances, pollutants and contaminants, hazardous wastes and solid wastes, as defined above and benzene, toluene, trichloroethene, chloroform, bis (2-chloroethyl) ether, bis (2-chloroisopropyl) ether, carbon tetrachloride, dichloroethane, 2,4-dinitrotoluene, tetrachloroethene, and nitric, gluconic, and sulphonic acids, alcohols, glycols, solvents, cleaners and pesticides.
9. The term "hazardous material" shall mean all hazardous substances, pollutants and contaminants, and hazardous waste, as defined above.
10. The term "non-hazardous material" shall mean all material as defined in Definition 8, excluding hazardous substances, pollutants and contaminants, and hazardous waste.
11. The terms "furnish," "describe," or "identify" or "indicate," shall mean turning over to the U.S.EPA either original or duplicate copies of the requested information in

the possession, custody, or control of the Respondent.

Where specific information has not been memorialized in any document but is nonetheless responsive to an information request, you must respond to the request with a written response. If such requested information is not in your possession, custody, or control then indicate where such information or documents may be obtained.

12. The term "identify" means, with respect to a natural person, to set forth the person's full name, present or last known business address and business telephone number, present or last known home address and home telephone number, present or last known job title, position or business and description of responsibilities.
13. The term "identify" means with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g. corporation, partnership, etc.), organization, if any, and a brief description of its business.
14. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance and/or the subject matter.
15. The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting,

escaping, leaching, dumping, or disposing into the environment, including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.

16. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal. Examples of documents, by way of illustration and not by way of limitation, include any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, cancelled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone, and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, video tape or other type of

memory); including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document.

17. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
18. The term "arrangement" means every separate contract or other agreement between two or more persons.
19. The terms "transaction" or "transact" means every separate act, deal, instance, occurrence, sale, transfer, giving, delivery, change in ownership, change in possession, change in management or change in operation.
20. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.
21. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.
22. The term "property interest" means any interest in property, including without limitation, any ownership interest, any interest in the rental of property, any interest in a

corporation that owns or rents or owned or rented the property, any interest as either the trustee, Settlor, or beneficiary of a trust that owns or rents, or owned or rented property, any liens, mortgages or contractual rights with regard to property, any interest in the proceeds, rents, profits of the property, however contingent, remote, or minute.

23. The term "asset" shall include the following: real estate, buildings or other improvements to real estate, equipment, vehicles, furniture, inventory, supplies, customer lists, accounts receivable, interest in insurance policies, interests in partnerships, corporations and unincorporated companies, securities, patents, stocks, bonds, and other tangible as well as intangible property.

QUESTIONS

1. Identify the person(s) answering these Questions on behalf of Respondent.
2. For each and every question below, identify all persons consulted in the preparation of the answer.
3. For each and every Question below, identify all documents consulted, examined, or referred to in the preparation of the answer and provide true and accurate copies of all such documents.
4. List the EPA RCRA Identification Numbers of the Respondent, if any, and identify the corresponding units, facilities or vessels assigned these numbers.
5. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.

6. Identify the acts or omissions of any persons that may have caused the release or threat of release of hazardous substances at the Site and damages relating therefrom and identify such persons.
7. Identify all persons, including Respondent's employees, who have knowledge or information about the generation, transportation, treatment, storage, disposal or other handling of hazardous substances at the Site.
8. With respect to the Site, describe all arrangements that Respondent may have or may have had with each of the following persons: Waukesha Ozaukee Washington Distributing Co., Inc., Herman Rollfink, Pro-Specialties, Inc., Pro-Chem, Ltd., Pro-Chem Co., Inc., Chem Science Inc., DuPage Boiler Works, Inc., Morton Scherl (a.k.a. Robert Caldwell), Harlan Woyhan, Theodore Levenhagen, John Brooks, Ashland Chemical Company, Chemical Packaging Corporation, Dow Corning Corporation, Fiebing Co., Inc., Kaybe chemical Co., Inc., Mckesson Chemical Co., Frank Miller and Sons, Inc. Millport Chemical Company, Walton March, Inc.
9. Set forth the dates during which the Respondent engaged in any of the following activities:
 - a. ownership of all or any portion of the Site
 - b. generation of hazardous materials which were potentially or ultimately disposed of at the Site
 - c. transportation of any material to the Site
 - d. operation of the Site
10. State the dates during which you owned, operated, leased or held a property interest in the Site and provide copies of all documents evidencing or relating to such ownership, operation, lease or property interest arrangement (e.g., deeds, leases, contracts, agreements, transfers of assets etc.)
11. Identify the prior owners of the Site. For each prior owner, further identify:
 - a) the dates of ownership;
 - b) all evidence showing that they controlled access to the Site; and
 - c) all evidence that a hazardous substance, pollutant, or contaminant, was released or threatened to be released at the Site during the period that they owned the Site.

12. Identify the prior operators, including lessors, of the Site. For each such operator, further identify:
 - a) the dates of operation;
 - b) the nature of prior operations at the Site;
 - c) all evidence that they controlled access to the Site; and
 - d) all evidence that a hazardous substance, pollutant, or contaminant was released or threatened to be released at or from the Site and/or its solid waste units during the period that they were operating the Site.
13. Provide copies of all local, state, and federal environmental permits ever granted for the Facility or any part thereof (e.g., RCRA permits, NPDES permits, etc.).
14. Did you ever use, purchase, generate, store, treat, dispose, transport or otherwise handle any hazardous substances at the Site. If the answer to the preceding question is anything but an unqualified "no," identify:
 - a. The chemical composition, characteristics, physical state (e.g., solid, liquid) of each hazardous substance;
 - b. The persons who supplied you with each such hazardous substance used, purchased, generated, stored, treated, transported, disposed of or otherwise handled by you;
 - c. How such hazardous substances were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;
 - d. When such hazardous substances were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;
 - e. The precise location where such hazardous substances were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;
 - f. The quantity of such hazardous substances used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;
 - g. For each transaction, the nature of the hazardous substance including the chemical content, characteristics, physical state (e.g., solid, liquid),

and the process for which the substance was used or the process which generated the substance;

- h. All tests or analysis and analytical results concerning each hazardous substance;
 - i. The final disposition of each of the hazardous substances involved in each transaction;
 - j. The type and number of containers in which the hazardous substances were contained and all markings on such containers;
 - k. All documents containing information responsive to a-j above or, in lieu of identification of all relevant documents, provide copies of all such documents;
 - l. All persons with knowledge, information, or documents responsive to a-j above.
15. Identify all leaks, spills or releases of any kind into the environment of any hazardous substances that have occurred at the Site. In addition, identify:
- a. When such releases occurred;
 - b. How the releases occurred;
 - c. What hazardous substances were released;
 - d. What amount of each hazardous substance was so released;
 - e. Where such releases occurred;
 - f. Any and all activities undertaken in response to each such release or to threatened releases of hazardous substances at the Site;
 - g. Any and all investigations of the circumstances, nature, extent or location of each release or threatened release, including the results of any soil, water (ground and surface), or air testing that was undertaken;
 - h. All persons with information relating to these releases.
16. If a release of any kind of hazardous substances identified in question 15, above, occurred into any subsurface disposal system or floor drain inside, outside or under any buildings located on the Site, further identify:

- a. Where precisely the disposal system or floor drains are and were located;
 - b. When the disposal system or floor drains were installed;
 - c. Whether the disposal system or floor drains were connected to pipes;
 - d. Where such pipes are or were located;
 - e. When such pipes were installed;
 - f. How and when such pipes were replaced, repaired, or otherwise changed; and
 - g. All persons who had control over the release of hazardous substances into the disposal system or floor drains;
17. Have you or any other person ever accepted hazardous substances for transportation to the Site from any person? If the answer to this question is anything but an unequivocal no, identify:
- a. The persons from whom you or such other persons accepted hazardous substances for transport;
 - b. Every date on which hazardous substances were so accepted or transported;
 - c. For each transaction, the nature of the hazardous substance including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the substance was used or the process which generated the substance;
 - d. The owner of the hazardous substances so accepted or transported;
 - e. The quantity of the hazardous substance involved (weight or volume) in each transaction and the total quantity for all transactions;
 - f. All tests or analysis and analytical results concerning each hazardous substance;
 - g. The precise locations to which each hazardous substance actually was transported;

- h. The person(s) who selected the Site as the place to which hazardous substances were to be transported;
 - i. The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;
 - j. Where the person indentified in i., above, intended to have such hazardous substances transported and all evidence of this intent;
 - k. Whether the hazardous substances involved in each transaction were transshipped through, or were stored or held at, any intermediate Site prior to final treatment or disposal;
 - l. What was done to the hazardous substances once they were brought to the Site;
 - m. The final disposition of each of the hazardous substances involved in such transactions;
 - n. The measures taken by you to determine the actual methods, means and site of treatment or disposal of the hazardous substance involved in each transaction;
 - o. The type and number of containers in which the hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at the Site and all markings on such containers.
18. Identify all persons, including yourself, who may have arranged for disposal or treatment or arranged for transportaion for disposal or treatment of hazardous substances at or to the Site. In addition, identify:
- a. The persons with whom you or such other persons made such arrangements;
 - b. Every date on which such arrangements took place;
 - c. For each transaction, the nature of the hazardous substance including the chemical content, chracteristics, physical state (e.g., solid, liquid), and the proccess for which the substance was used or the process which generated the substance;

- d. The owner of the hazardous substances so disposed or treated;
- e. The quantity of the hazardous substance involved (weight or volume) in each transaction and the total quantity for all transactions;
- f. All tests or analysis and analytical results concerning each hazardous substance;
- g. The precise locations at which each hazardous substance actually was disposed or treated;
- h. The person(s) who selected the Site as the place at which hazardous substances were to be disposed or treated;
- i. The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;
- j. Where the person identified in i. above, intended to have such hazardous substances treated or disposed and all evidence of this intent;
- k. Whether the hazardous substances involved in each transaction were transshipped through, or were stored or held at any intermediate Site prior to final treatment or disposal;
- l. What was done to the hazardous substances once they were brought to the Site;
- m. The final disposition of each of the hazardous substances involved in such transactions;
- n. The measures taken by you to determine the actual method, means, and site of treatment or disposal of hazardous substance involved in each transaction;
- o. The type and number of containers in which the hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at the Site and all markings on such containers;
- p. The price paid for (i) transport, (ii) disposal or (iii) both of each waste material and hazardous substance.

- q. All documents containing information responsive to a-p above or, in lieu of identification of all relevant documents, provide copies of all such documents.
 - r. All persons with knowledge, information, or documents responsive to a-p above.
19. Identify all persons who may be responsible for the liabilities of the Respondent arising from or relating to the release or threatened release of hazardous substances at the Site, including but not limited to predecessors, successors and individuals.
20. Identify and furnish copies of all liability insurance policies held by Respondent from 1981 to 1988. In identifying such policies, state:
- a. The name and address of each insurer and of the insured;
 - b. The amount of coverage under each policy;
 - c. The commencement and expiration date for each policy;
 - d. Whether or not the policy covers sudden, nonsudden or both types of accidents;
 - e. The policy limits per occurrence;
 - f. Whether or not the policy covers the Site; and
 - g. Whether the policy contains any limitations with regard to environmental liabilities.
21. Provide copies of all income tax returns sent to the Federal Internal Revenue Service in the last five years.
22. Provide all financial statements, reports or projections prepared by, for or on behalf of Respondent for the past five fiscal years, including but not limited to those filed with the federal and State Internal Revenue Service, Securities and Exchange Commission, State Agencies, and all financial institutions such as banks.
23. Identify all subsidiaries and parent corporations of Respondent.

24. Provide copies of documents filed with State Agencies concerning the Respondents corporate status, including annual reports.
25. Identify the Respondent's current corporate status.
26. Provide a copy of the most current Articles of Incorporation and by-laws of Respondent.
27. Identify the managers and majority shareholders of Respondent and the nature of their management duties or amount of shares held, respectively.
28. Identify all of Respondent's current assets and liabilities and the persons who currently own or are responsible for such assets and liabilities.
29. If Respondent is a Trust, provide all relevant agreements and documents to support this claim.
30. If Respondent is a Partnership, provide copies of the Partnership Agreement.
31. List salaries, bonuses, dividends, loans, and rental payments paid to managers and majority shareholders.
32. Indicate passbook accounts, certificates of deposit, safe-deposit boxes and other documents evidencing deposits in any bank or other financial institution for Respondent. Give the name and address of each institution, the value of the deposit and the name and number under which the account or certificate is maintained.